

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JASON MARK HUTCHINS,

Plaintiff,

VS.

JANE DOE, *et al*,

Defendants.

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CIVIL ACTION NO. C-12-41

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
TO DISMISS CERTAIN CLAIMS AND TO RETAIN ACTION**

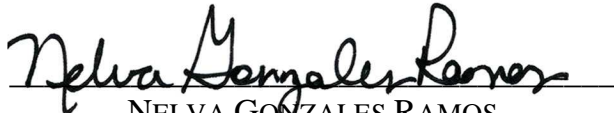
On March 19, 2012, United States Magistrate Judge Brian L. Owsley issued his “Memorandum and Recommendation to Dismiss Certain Claims and to Retain Action” (D.E. 11). The Plaintiff was provided proper notice of, and opportunity to object to, the Magistrate Judge’s Memorandum and Recommendation. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been filed.

When no timely objection to a magistrate judge’s memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s memorandum and recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge’s Memorandum and Recommendation (D.E. 11), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, the Plaintiff’s claims for

money damages against Defendants in their official capacities are **DISMISSED**. The Plaintiff's claims against Warden Ernest Guterrez are **DISMISSED** for failure to state a claim or as frivolous. The court retains Plaintiff's Eighth Amendment claims against John/Jane Doe, the director of classification for the Garza Unit, Sergeant N. Tamfz, Physician's Assistant Jose Declet, and Officer John Doe.

ORDERED this 9th day of April, 2012.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE